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CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH.

O.A.No.1178 of 1988

Pratap Singh KatiyarApplicant

Versus

Union of India & othersRespondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C)

This application is directed against the order of retirement retiring the applicant on 9.4.87 from the service.

2. According to the applicant, he was wrongly retired on that date. He had jointed employment as Viewer-D in the Inspectorate of the Military Carriage in the Gun Carriage Factory, Jabalpur during the period of the IInd World War in the year 1942 and at that time he had passed the Middle School Examination and his date of birth was correctly mentioned in the service record. In the year 1953, he was converted from Industrial Employees side to Non-Industrial Employees side and he was required to furnish the certificate about the educational qualifications. The applicant submitted the original school-leaving certificate and his date of birth was rectified in accordance with the correct age and date of birth as per authentic documentary proof of the applicant's school-leaving certificate. He continued to work up to 1987 when he was retired on the ground that his date of birth was not correctly mentioned. As a matter of fact, he should have been retired

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on 31.12.84 as his date of birth is 24.12.24 and consequently he was retired on 9.4.87. According to him, he attained the age of superannuation on 1.8.89 and he should have been retired in the year 1989.

3. The respondents have opposed the claim of the applicant and stated that the applicant at the time of employment, declared his educational qualification upto 8th Standard (English) but he did not file any documentary evidence to that effect showing his date of birth. From the service-book, extract of which has been placed on record, it appears that against Column No.5, date of birth as 1.8.29 has been mentioned which, according to the applicant, is no other date but is the correct date of birth which was shown in the school-leaving certificate. A reference to the school-leaving certificate has also been made in the manner that in the record it has been mentioned that the applicant studied upto 8th Class. As per statement of applicant, his age was 20 years on 24.12.42 but after the assessment by the Medical Officer, his age was 18 years. This entry was made by the authorities themselves. According to the respondents, the service-book at page 2 has been erased with an intention to write date of birth as 1.8.29 in place of 24.12.24. This erasion has also been made in the Workmen's record of service after a lapse of 9 years, 4 months and 15 days and when a scrutiny was made in the year 1987 for settlement of terminal benefits, it was found that the date

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of birth has been manipulated as 1.8.29 and if it is accepted, the applicant entered in service at the age of 13 years 4 months and 22 days which was impossible. The factual position indicates that when the applicant entered the service, he mentioned that he studied upto 8th Class. The applicant did not file any document in which his date of birth was mentioned as 1.8.29. The respondent took his age as 18 years. If he was 18 years' old in 1932, then he should have attained the age of superannuation in the year 1984 and that is why he was retired.~~xxxxxxxxxxxx~~ Certain attempts were made by the applicant to make certain erasers but the respondents have allowed the applicant to hold the office upto the year 1987. Even the applicant was not entitled to hold the office after 1984 and earn the salary during that period. In normal course, he should have been retired in that year and earned only pension. The respondents are responsible for the said laches. It is clearly a case of laches on their part. Taking into consideration the facts and laches on the part of the respondents, the applicant will be deemed to have been retired in the year 1987, instead of 1984. Accordingly, the respondents are directed to calculate the pensionary benefits taking the date of retirement as 9.4.87 and calculate the monetary benefit within a period of three months from the date of communication of this order and to pay the same to the applicant within another two months

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and his pension shall also be calculated accordingly. With these observations the application is disposed of without any order as to costs.

[Signature]
MEMBER (A)

[Signature]
VICE CHAIRMAN.

DATED: MAY 8, 1992

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